

**MINUTES**  
**LEGISLATIVE GOVERNMENT OVERSIGHT COMMITTEE**  
**September 19, 2008**

The Legislative Government Oversight Committee met September 19, 2008, in the Supreme Court Chamber at the Capitol. Representative Vicki Lensing, Chair, called the meeting to order at 9:32 a.m. Other members present were:

Senator Tom Courtney, Chair  
Senator Michael Connolly, VC  
Senator Pat Ward, RM  
Senator Becky Schmitz

Representative Wayne Ford, VC  
Representative Ralph Watts, RM  
Representative Clel Baudler  
Representative Steven Olson  
Representative Kurt Swaim  
Representative Jodi Tymeson  
Representative Wes Whitead

The following members were excused: Senator Mary Lundby and Representative Deborah Berry.

**MINUTES**

Representative Lensing made a motion to approve the minutes from the previous interim meeting. No changes were noted. The Committee approved the minutes from the July 2008 meeting.

**OVERVIEW**

The primary focus of the meeting concerned a discussion of and conclusions resulting from an outside investigation conducted at the direction of the Board of Regents regarding allegations of a sexual assault involving two former University of Iowa football players; a discussion of flood insurance coverage and public information relating thereto; and an quarterly report and update regarding the E911 program.

**REPORT ON INVESTIGATION BY OUTSIDE COUNSEL REGARDING UNIVERSITY OF IOWA'S HANDLING OF SEXUAL ASSAULT ALLEGATIONS**

**Board of Regents** - Mr. David W. Miles, President, Board of Regents, accompanied by Regent Bonnie J. Campbell, discussed actions taken by the Board in response to complaints stemming from the University of Iowa's handling of allegations of a sexual assault made by a student-athlete at the University against two former members of the University's football team. President Miles described efforts initiated by the Board to investigate the University's handling of the incident, culminating in the appointment of Regent Campbell to oversee an investigation reopened after the discovery by the Board of previously undisclosed documents relevant to the case. President Miles indicated that the focus of the investigation centered on whether the University followed established policies and procedures applicable to such allegations, whether the policies and procedures were appropriate, the merits of allegations made by the mother of the student-athlete, and the circumstances surrounding the failure of school officials to disclose to the Board letters they had received from the mother. Regent Campbell discussed the retention of the Stolar Partnership as independent counsel to conduct the reopened investigation, emphasizing that their analysis was completely independent and at-arms-length.

**Stolar Partnership** - Mr. James Sears Bryant, Partner, Stolar Partnership, and Lead Counsel in the investigation, accompanied by Stolar Partnership associates involved in the investigation, Doreen Dodson, Peter Goplerud, Charla Scott, and Richard Mersman, characterized the frustration on the part of the student-athlete and her family and the public perception that the incident had been mishandled as a "perfect storm" attributable to strict adherence by University officials to existing and inadequate policies and their failure to act proactively. Mr. Bryant stated that University officials were cooperative during the investigation, that no evidence of a conspiracy to cover-up the incident existed, that mistakes were made in the nature of form over substance, and that if the procedures and policies that began as an informal investigation by the athletic department had allowed for flexibility and individual initiative in communicating with the student-athlete and her family, the entire controversy might have been avoided. Two University officials were singled out as unacceptably responding to the situation -- Mr. Marcus Mills, Vice-President For Legal Affairs and General Counsel in having a conflict of interest in serving as general counsel for the University and liaison to the student-athlete's family and in failing to disclose relevant documents, and Mr. Phillip Jones, Vice-President for Student Services in denying familiarity with the allegations when contacted by the student-athlete's family and insufficiently protecting her from harassment. Based on the investigation, the Stolar Partnership recommended that a comprehensive review of policies and procedures dealing with sexual assault and other related issues at the University of Iowa and other Regents institutions consistent with best practices available in the higher education community be undertaken. With reference to the University of Iowa, the specific recommendations included the following changes in policies and procedures:

- Availability of a trained advocate for the alleged victims of sexual assault during all stages of the reporting and investigative process.
- Designation of a single coordinating office and procedure to deal with all sexual assaults and other related issues.
- Consideration of the appropriateness of mandating Department of Public Safety notification when a University official receives information regarding an alleged sexual assault.
- Non-involvement of general counsel in the management of sexual assault and sexual harassment investigations.
- Training of sexual assault advocates relative to University reporting and investigation options available to alleged victims and the communication of such options.
- Access to easily comprehensible information regarding University sexual assault reporting and investigation options throughout the University community.
- Removal of individual University department authority to conduct investigations of sexual assault.
- Extensive training for University officials responsible for investigating sexual assault allegations regarding the proper handling of victims and perpetrators.
- Development of a formal recusal procedure for investigators who may be perceived as having a conflict of interest in investigations conducted by the office designated to handle sexual assault investigations.
- Maintaining a distinction between sexual assault and sexual harassment in University policies.

Committee member inquiries or comments included the development and nature of additional training to be given to University officials relative to sexual assault allegations, the role of law enforcement in this instance and whether law enforcement officials should be notified and more extensively involved in sexual assault allegations, efforts undertaken in recent years to improve the

atmosphere at colleges and universities for minority student-athletes, why two separate investigations were necessary and expenses incurred as a result, identification of the Board as having ultimate responsibility for policy and procedure modification and revision, assurance that the Board will be taking additional steps to act on the Stolar Partnership recommendations, and continued Committee updates regarding this specific incident and implementation of the recommendations.

## **FLOOD INSURANCE**

Ms. Susan Voss, Iowa Insurance Commissioner, accompanied by additional Insurance Division personnel, presented an overview of issues relating to flood insurance. Ms. Voss cited the misimpression on the part of homeowners that homeowners or renters insurance will pay for flooding and sewer back-up, clarified that flood insurance is federally regulated in the form of the National Flood Insurance Program (NFIP), and discussed the issuance of press releases by the Division designed to educate the public regarding flood insurance eligibility, coverage options, and distinctions between residential and business coverage.

Additional discussion points included recourse for property owners not living in a floodplain and whose mortgage did not mandate flood insurance, the merits of requiring on consumers' applications for homeowners coverage an accept/reject signature relative to additional flood coverage through the NFIP or sewer backup endorsements, requiring in the alternative each homeowners policyholder to signify that they have received information relating to flood insurance or sewer backup and have made a decision to accept or reject it, and the fact that at this point no additional legislative action appears necessary. Ms. Voss conveyed that while many barriers to some Iowans' inability to participate in the NFIP is beyond the Division's authority, the Division intends to continue and increase its efforts to encourage homeowners in communities participating in the program to consider purchasing flood insurance.

Committee discussion included a request for a list of all communities in the State not participating in the NFIP; availability of mediation regarding consumer complaints, carrier issues, and the lack of coverage and endorsements; and sewer backup endorsement monetary limits.

## **E911 PROGRAM QUARTERLY UPDATE**

Ms. Jennifer Acton, Fiscal Services Division, Legislative Services Agency, reviewed the second calendar quarter report for 2008 received by the Agency from the Homeland Security and Emergency Management Division as statutorily required. Ms. Acton related that the Division received \$4.0 million in revenue from the E911 surcharge, which represented an increase of \$212,000 compared to the previous quarter, that the surcharge fund earned \$39,000 in interest, and that the total amount expended during the quarter amounted to \$3.3 million. Specific dollar amounts and sources for each expenditure were listed in priority order. Ms. Acton noted that due to the flooding experienced earlier in the year, some Public Safety Answering Point carryover project deadlines have been extended and no additional applications are being approved pending current project completion. Ms. Acton further indicated that \$2.5 million remained at the end of the current calendar quarter for the carryover fund, and identified amounts obligated for carryover application funds applicable for the next several quarters.

## **OTHER COMMITTEE BUSINESS AND DISCUSSION**

Representative Watts raised the issue of changes affecting career planning resource providers to school districts. The members had questions about the Department of Education's written

response to questions in July. The Chairpersons asked LSA staff to get further information in a written response to the specific questions.

Representative Tymeson raised the concern about land records and the identity theft issue. The Chairpersons noted that the Committee will wait and see what the Identity Theft Study Committee does this interim, but possibly will take up the issue in December.

Representative Baudler asked about the new form that the Department of Administrative Services is using regarding other pay. The Chairpersons asked LSA staff to get an explanation of the new form and changes and updates in the bonus categories, with possibility of asking DAS to come in front of Committee to discuss.

### **NEXT MEETINGS**

Next meetings are scheduled for October 27-28 and December 15-16, in room 103, Supreme Court Chamber.

### **ACTION ITEMS – FOLLOW UP**

Some questions were asked of the presenters. LSA Staff will follow up with all the specific questions for the agencies.

### **ADJOURNED**

Representative Lensing adjourned the meeting at 12:30 p.m.